IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1674 OF 2005

IN

SECOND APPEAL NO.1206 OF 2005

Vithal Chamar Bari .. Applicant

Versus

Purushottam Maneklal Bari & Ors... Respondents.

Mr.V.A.Gangal i/b. S.S.Deshmukh for applicant
Mr.Santosh Narawade i/b.M.P.Vashi & Associates
for respondents.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 30th July 2007.

P.C.

. In this civil application, while issuing

notice this Court had directed that parties shall maintain status quo with regard to suit property. Mr.Gangal submits that the second appeal is admitted and since the prayer made by the appellant - plaintiff in his suit is for declaration and about the right of pre-emption and permanent injunction preventing the present appellant from using his right of way over the South and North road on the Western Side of the suit property, ad-interim order should be continued till hearing and final disposal of the second appeal.

2. On the other hand it is brought to my notice by the learned Counsel for respondents that appellant's suit has been dismissed and there has been no interlocutory order which is continuing. In these circumstances, a blanket order of status quo to my mind would create unnecessary complications. On the other hand, it would be fair, just and proper if the respondents

are restrained during the pendency of the second appeal from creating any third party rights in or alienating the suit land/property. This would protect interest of both sides.

3. Civil application is allowed in the aforesaid terms. Hearing of second appeal is expedited.

(S.C.DHARMADHIKARI, J)